

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Shaun Tristan Williams,

Petitioner,

Case No. 2:20-cv-5460

v.

**District Judge Michael H. Watson
Magistrate Judge Michael R. Merz**

**Jay Forshey, Warden,
Orient Correctional Institution,**

Respondent.

OPINION AND ORDER

Petitioner objects, ECF No. 19, in this habeas corpus case, to the Magistrate Judge's Report and Recommendations ("R&R"), ECF No. 18, recommending the Court deny Petitioner's Motion to Amend the Judgment pursuant to Federal Rule of Civil Procedure 59(e), ECF No. 17. As a post-judgment motion, the Motion to Amend was considered by the Magistrate Judge under 28 U.S.C. § 636(b)(3), and the Court is required to review *de novo* every portion of the R&R to which substantial objection has been made. This Opinion and Order embodies the result of that *de novo* review.

The R&R states the standard of review for a motion to amend a judgment

under Federal Rule of Civil Procedure 59(e), and Petitioner makes no objection to the standard as stated. As the R&R notes, “there must be ‘(1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice.’” R&R, ECF No. 18, PAGEID # 384 (citing *Betts v. Costco Wholesale Corp.*, 558 F.3d 461, 474 (6th Cir. 2009) (quoting *Henderson v. Walled Lake Consol. Sch.*, 469 F.3d 479, 496 (6th Cir. 2006))).

The Magistrate Judge concluded that the Court had not committed a clear error of law when it dismissed the case upon concluding the Ohio Third District Court of Appeals reasonably applied *Penson v. Ohio*, 488 U.S. 75 (1988), and *Anders v California*, 386 US 738 (1967), when it dismissed Petitioner’s direct appeal without appointing substitute counsel after an *Anders* brief was filed. R&R, ECF No. 18, PAGEID ## 385–87. The R&R also rejected Petitioner’s Double Jeopardy claim because it should have been made before judgment. *Id.* at PAGEID # 387. Finally, it rejected Petitioner’s reargued loss of trial court jurisdiction claim because it had first been made in objections to the Magistrate Judge’s prior R&R on the merits. *Id.*, PAGEID ## 387-88.

Petitioner’s Objections take issue summarily with the original R&R’s conclusion that the Third District satisfied its obligation under *Penson*. Obj., ECF No.19, PAGEID ## 388-89. The Objections’ argument is completely conclusory, citing no authority. Under those circumstances, Petitioner has not demonstrated that the Magistrate Judge’s R&R is contrary to law, and it is hereby **ADOPTED**.

Petitioner's Motion to Amend the Judgment is **DENIED**.

IT IS SO ORDERED.


MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT